

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: November 15, 2006 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the November 15, 2006 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 15, 2006**

15. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. and was followed by the Pledge of Allegiance.

16. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, and Councilmembers Caletka, Paul, and Starkey (arrived at 8:07 p.m.). Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Acting Assistant Town Clerk Muniz recording the meeting.

17. OPEN PUBLIC MEETING

Mayor Truex advised that this was not the evening for the open public meeting, but he wished to make a presentation instead. He presented Mr. Cohen with a plaque, and thanked him on behalf of Council and Town residents for his service as Acting Town Administrator.

Mayor Truex advised that items 4.6 and 4.7 had been withdrawn. He added that the petitioner had requested that items 4.10 and 4.26 be tabled.

Councilmember Paul made a motion, seconded by Mayor Truex, to table items 4.10 and 4.26 to December 20, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the petitioner had requested that items 4.9 and 4.25 be tabled to January 3, 2007.

Councilmember Paul made a motion, seconded by Mayor Truex, to table items 4.9 and 4.25 to January 3, 2007. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the petitioner had requested that items 6.2 and 6.5 be tabled. Councilmember Caletka informed Mayor Truex that some citizens had requested that they be allowed to present a petition regarding this item before it was tabled. Two petitions were presented to Town Clerk Muniz and Councilmember Paul requested that these be included with the backup for their January 17, 2007 meeting.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table items 6.2 and 6.5 to January 17, 2007. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that staff had requested that items 6.6 and 6.7 be tabled to December 20, 2006.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table item 6.6 to December 20, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table item 6.7 to December 20, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 8.1, regarding the Fire Station #68 Workshop, needed to be added under Old Business.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to add item 8.1. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

18. APPROVAL OF CONSENT AGENDA

Minutes

- 18.1. September 20, 2006 (Regular Meeting)
- 18.2. September 25, 2006 (Special Meeting)
- 18.3. October 4, 2006 (Regular Meeting)

Proclamation

- 18.4. National Farm City Week (November 17 - 23, 2006) - Presentation by Fred Segal

Parade Permit

- 18.5. Forest Ridge Holly Day Parade Committee

Resolutions

18.6. WITHDRAWN BY STAFF

CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND PACESETTER PERSONNEL, A-1-A EMPLOYMENT OF MIAMI, AND TEMPORARY PERSONNEL CONSULTANTS, INC. FOR TEMPORARY FIELD STAFF. (tabled from November 1, 2006)

18.7. WITHDRAWN BY STAFF

CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND ATRIUM PERSONNEL, INC. D/B/A TRANSHIRE AND A-1-A EMPLOYMENT OF MIAMI FOR TEMPORARY OFFICE STAFF. (tabled from November 1, 2006)

- 18.8. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-289 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MAYER HOFFMAN MCCANN, P.C. TO ASSIST THE TOWN IN NEGOTIATIONS WITH CERTAIN VENDORS TO RECOVER OVERPAYMENTS IDENTIFIED IN MAYER HOFFMAN MCCANN'S AUGUST 31, 2006 REPORT. (\$10,000) (tabled from November 1, 2006)

- 18.9. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE AND REMOVE THE 6 FOOT WIDE UTILITY EASEMENT ALONG THE SOUTH ON THE PLAT KNOWN AS "PLESS-WEBB PLAT"; AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-03, Innovative Concept Croup, 6415 SW 41 Street) (tabled from October 18, 2006)

- 18.10. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE "W.A.B. II INVESTMENTS," AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-06, Eddie's Collision Experts, 4375 SW 60 Avenue) (tabled from October 18, 2006)
- R-2006-290 18.11. **AGREEMENT/WAIVER OF FEE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE TO RENT THE BERGERON RODEO GROUNDS FOR A HORSE SHOW. (waiver of \$750)
- R-2006-291 18.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION TO RENT THE BERGERON RODEO GROUNDS FOR A CAREER DAYS EXPO. (\$3,000 rental fee)
- R-2006-292 18.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT WITH THE FORT LAUDERDALE DOG CLUB FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO HOLD AN AKC DOG SHOW. (\$1,500 rental fee)
- R-2006-293 18.14. **INITIATION OF DUE DILIGENCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE INITIATION OF DUE DILIGENCE PROCEDURES FOR THE DAVIE 2005 LLC PROPERTY FOR ITS POSSIBLE ACQUISITION THROUGH THE 2005 OPEN SPACE BOND. (\$9,000 - not budgeted)
- R-2006-294 18.15. **ACQUISITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN APPROPRIATION OF UP TO \$12,760,000 FROM THE 2006 OPEN SPACE BOND FOR ACQUISITION OF THE TRUST FOR PUBLIC LAND PROPERTY; AUTHORIZING THE APPROPRIATION BE MADE FROM BOND FUNDS ALLOCATED TO ALL DISTRICTS, WITH REIMBURSEMENT TO THOSE DISTRICT ALLOCATIONS UPON RECEIPT OF GRANT FUNDING; AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS. (not budgeted)
- R-2006-295 18.16. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$33,888.00 GRANT FROM THE URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM FOR THE PURCHASE OF TECHNICAL RESCUE TEAM EQUIPMENT FOR THE FIRE RESCUE DEPARTMENT; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (NO MATCHING FUNDS).

18.17. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$87,928.00 GRANT FROM THE URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM FOR THE PURCHASE OF INCIDENT COMMAND HARDWARE AND SOFTWARE FOR THE FIRE RESCUE DEPARTMENT; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (NO MATCHING FUNDS).

18.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH PUBLIC RESOURCES MANAGEMENT GROUP, INC. TO PROVIDE A WATER AND SEWER RATE STUDY

Temporary Use Permits

- 18.19. TU 6-1-06, Sheridan House, 1700 Flamingo Road (three construction trailers)
- 18.20. TU 10-1-06, Davie Merchants Industrial Association, Inc., 2701-2751 North University Drive (Christmas trees)
- 18.21. TU 10-2-06, E.A.S.E. Foundation/Home Depot, 2300 S University Drive (Christmas trees)
- 18.22. TU 10-3-06, Nova Southeastern University's "Love Jen Fest", 3301 College Avenue (fundraiser festival)
- 18.23. TU 10-4-06, Davie Police Athletic League/Home Depot, 5801 South University Drive (Christmas trees)
- 18.24. TU 11-1-06, Davie P.A.L./Home Depot, 15835 Rick Case Honda Way (Christmas trees)

Quasi-Judicial Consent Agenda

- 18.25. SP 3-4-05, Innovative Concept Group-Pless Webb, 6415 SW 41 Street (B-2) (tabled from October 18, 2006) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) on plans drawing A-1, the corner columns feature show Hardy board on the tower, however, on the rendering it shows all brick; therefore, the plans should be changed to match the rendering; 2) there is no signage approval at this hearing; 3) relocate the dumpster enclosure six-feet to the north; 4) increase the lighting wattage to 1.5 foot-candles at the front entrance; 5) create a band made of brick in the upper portion of the tower; 6) change color swatch #6270 to a lighter tone in the red family; 6) in relocating the eight-inch caliber Live Oak trees to the western property line – they need to be moved just one time and make every effort to insure their survivability; 7) work with staff to redesign the parking lot in order to accommodate the existing 18-inch caliber Live Oak's preservation; 8) round off the curbing at the parallel parking space; 9) provide shielding from the lighting at the entrance for the residences across the street; and 10) on the north side of the building, the element that projects on the north face, instead of it being a flat roof, have a metal sloped roof in a hip configuration just over that portion that extends outward on the north face*
- 18.26. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) (tabled from October 18, 2006) *Site Plan Committee recommended approval subject to the planning report*

- 18.27. SP 11-7-05, Oakes Landings, 6501 and 6641 SW 41 Street (RM - 16) (November 1, 2006) *Site Plan Committee based on staff's comments and the following: 1) the applicant is to work with staff to increase the width of the compact parking spaces to ten-foot wide where possible and subject to Engineering's approval that the sidewalks could be reduced to four-foot widths; 2) the chain-link fence will be black vinyl-clad; 3) to replace the front five hardwood trees to five Royal Palms, four-foot grey wood; and 4) if the two Live Oaks and one Slash Pine do not make it through the construction process, the applicant must replace them caliber-inch for caliber-inch on the site if there is no room on the site, they can donate them to the Town*

Mayor Truex advised that Councilmember Starkey, who would not be present until 8:00 p.m., had requested that item 4.27 be pulled from the Consent Agenda. Councilmember Paul pulled item 4.4. Mayor Truex pulled item 4.16.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve the Consent Agenda minus items 4.4, 4.16 and 4.27. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Crowley requested that item 6.4 be heard earlier in the meeting, as he needed to leave the meeting early. Mayor Truex said they would hear this item as soon as Councilmember Starkey arrived.

19. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Fred Segal and Sheldon McCartney, representing the Broward County Farm Bureau, were present. Mr. Segal reminded everyone that the Farm Bureau had promised to contribute \$20,000 toward the Farm Park land acquisition and would also help to develop the educational programs. He presented their \$20,000 check and thanked everyone for working with agricultural issues. Councilmember Paul read the proclamation.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

4.16 Mayor Truex made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex said he had meant to pull item 4.15 regarding the open space bond. He confirmed with Budget and Finance Director William Underwood that the funds to replace the bond funding were definitely coming in. Councilmember Paul confirmed with Mr. Cohen that as soon as the management plans were completed, the funds would be available.

4.27 Later in the meeting, Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report.

Jay Evans, representing the applicant, explained that the project was allowable to 18 units, but they had designed it for 16. He noted that the developer had committed to 20% workforce housing for the project, double the usual amount.

Councilmember Starkey advised that she had met with the applicant since the last meeting and said that her greatest concern was the size of the garages. Mr. Evans explained that these garages were 10 feet 6 inches, almost a foot larger than Centrex Homes' garages. Councilmember Starkey advised that the applicant would provide "some type of house wall type unit" would be provided because there was not a lot of room in a single car garage. She had confirmed that residents could request two smaller trash receptacles, instead of the usual one large receptacle, if desired. Councilmember Starkey asked Mr. Evans about the possible inclusion of an outdoor kitchen area, trellis and/or pergola near the pool. Mr. Evans said he was amenable to this if the details could be worked out with staff.

Vice-Mayor Crowley stated that he would like to keep track of this development, as the developer had not built in Broward County before. Mr. Evans discussed the development's amenities and recommended that smaller receptacles be required for townhomes. Vice-Mayor Crowley disclosed that he met with the project engineer who had addressed 90% of his questions about the drainage.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex stated he would not vote on this item because he had hired the architect at one time. Councilmembers disclosed communications they had regarding this item.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve subject to Site Plan Committee's recommendations, as well as the recommendations and approval by Central Broward etcetera, and staff, in addition to possibly providing the amenity around the pool, and making sure the community was noticed about the garbage can options, and providing the 20% affordable housing component. Councilmember Paul asked that the motion include in the homeowners' documents that nothing can be built in the dry retention areas for at least five years. Councilmember Starkey agreed to include this in her motion. Mr. Evans indicating that he had no objection but advised that the dry retention got a drainage easement dedicated to the Drainage District and the applicant would be bonding with the Central Broward Water Control District at 110% of the construction facilities. In a voice vote, with Mayor Truex abstaining, all voted in favor. (Motion carried 4-0)

20. PUBLIC HEARING

Resolutions

20.1. **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-299 **ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF**
DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from October 18, 2006)

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Caletka announced that he would "protest vote" against this item on the grounds that the need for bond funding would lead to an increase in the Town's debt service.

Councilmember Paul remembered that FDOT had promised culvert crossings along Griffin Road and wanted this put back in the capital budget. Linda Greck, Open Space Advisory Board member, stated there were three locations promised at canal outfalls. Vice-Mayor Crowley remembered the locations as 70th Avenue, 73rd Avenue and 76th Avenue. Councilmember Paul remembered this being in the capital budget and then, "for some reason, this year, it disappeared." Mayor Truex did not recall this ever being in the capital budget. Mr. Cohen recommended that Council wait to see if incoming Town Administrator Gary Shimun could get FDOT to address the issue. Failing that, it could then be put back in the budget for next year. Councilmember Paul said she would not approve the capital budget without it.

Councilmember Paul said she had discussed with her constituents using bond money for clearing a trail on 133rd Avenue from 14th Street to the Van Kirk property. Mr. Underwood explained that this capital projects plan appropriated the balance of the bond proceeds to Council and districts. Councilmember Paul asked Mr. Underwood to cost out the trail project she mentioned. She also wanted a cost determined to create a culvert for a multi-use crossing from Old 136th to New 136th.

Mayor Truex suggested that Council approve the resolution and ask staff to investigate amending it later for the canal crossings.

Ms. Greck explained that the Open Space Advisory Committee had been aware in 2005, while making their recommendations for 2006 capital projects, that FDOT did not fund the crossings. The Committee had therefore recommended these be included in the capital projects. They had been included in the 2006 budget, but at some point had been moved to 2007 and had then disappeared.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve subject to coming back to Council with the amendment suggested by Councilmember Paul. In a roll call vote, the vote was

as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - absent. (Motion carried 3-1)

Ordinance - Second and Final Reading

- 20.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) (tabled from November 1, 2006) *Planning and Zoning recommended approval subject to not having to contribute to the "traffic calming phantom fund," however, they had to improve the roadway {Approved on First Reading on October 18, 2006 subject to limiting the number of people living on the property to eight people living; the property is deed restricted to only the Vietnamese Buddhist Cultural Center; if a sale takes place, the property shall revert to the A-1 zoning designation; if a special event takes place, the Vietnamese Buddhist Cultural Center has to come back to Council for a temporary use permit for no more than four events per year; and if more than 100 people are at the event on the property at one time, another option will be required. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes}*

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held December 6, 2006)

- 20.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73 BY CREATING A PRESERVATION BOARD WITHIN THE UNITED RANCHES AREA FOR WHICH ALL APPLICATIONS FOR ZONING CHANGES WITHIN THE UNITED RANCHES SHALL COME BEFORE FOR RECOMMENDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing on the item would be held on December 6, 2006.

Mayor Truex opened the public hearing portion of the meeting.

Toby Perkins, 5220 SW 109 Avenue, said she was delighted and appreciated the fact that the matter was being brought forward.

Mayor Truex closed the public hearing.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - absent. (Motion carried 4-0)

- 20.4. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 2, ARTICLE III, SECTION 2-41, ENTITLED "QUALIFYING DISTRICT BOUNDARIES" BY REDELINEATING GEOGRAPHICAL QUALIFYING DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Later in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing on the item would be held on December 6, 2006.

Karen Volarich and Scott Burton, representing GeoWeb explained the process of the district boundary review study. Ms. Volarich noted the points of particular concern: the Town's Charter required redistricting every five years and the last was in 1998-99; District 1's population was significantly lower than other districts - 36% below the mean; and recent annexations had caused the Town's population to increase 7%. She stated that their goals were to: ensure that the population within each district was within +/- 10% of the total population of the four districts; ensure that district boundaries were compact and contiguous; ensure that new boundaries coincided as closely as possible with existing boundaries; respect geographic features; and ensure that no "communities of interest" were split. Ms. Volarich presented the four options, three of which were approved by the District Boundaries Review Committee.

Councilmember Starkey asked about the population that would be redistributed in two TAZ zones. Mr. Burton said they had needed to add 10,000 people to District 1, and explained that scenario number 8 required the lowest number of residents to be reassigned.

Mr. Burton continued that scenario 9 was considered the minimum change option and noted that "the population deviation was +/- 9%." He felt the Committee did not want to endorse this scenario "because it is in the high percentage in terms of the practical mean of the population." Mr. Burton stated that scenario 6 was considered the "maximum change" option as it was significantly less compact than the other scenarios but still met the criteria.

Mayor Truex opened the public hearing portion of the meeting.

Dan Pignato, 6920 SW 6 Court, preferred scenario 6 because it located three of the main commercial street areas in a single district. It also kept Town Hall and other Orange Drive developments in one district. Mr. Pignato thought this scenario provided good continuity.

Jim Inklebarger, 2321 SW 98 Terrace, stated the Pine Island Ridge Board of Governors favored scenarios 8, 9 or 10.

John Stevens, Chair of the District Boundaries Review Committee, indicated that the Committee had recommended scenarios 6, 8, and 10. He personally favored scenario 6 because it kept the districts closest to their original boundaries.

Micki Jarrett, president of Pine Island Ridge Civic Organization, was sorry that the Town had not included the Pine Island Ridge area on the Committee. She felt their needs differed from those of the current residents in District 1, and their inclusion in that district would result in their being taxed but not represented. Ms. Jarrett advised that the Organization opposed being included in District 1.

Marvin Simon, 2120 SW 92 Terrace, thanked the consultant and the Committee for their work. He felt that adopting scenario 6 would be a disservice to District 1 and Pine Island Ridge because their characters were dissimilar. Mr. Simon would not object to being in District 2 or 3.

Scott Spages, District Boundaries Review Committee member, said his goal had been to get the district within +/- 5%, which scenario 6 accomplished. He noted that in the two other scenarios, districts were much more spread out.

Phillip Busey, 837 SW 120 Way, stated that scenario 6 would move residents from districts in which they had voted for a sitting representative on Council. He distributed an analysis of voting district and felt that scenario 6 represented "the most radical and the most extreme and the least fair and the least balanced of the approaches."

Eric Swalley, 4680 SW 61 Avenue, felt scenario 6 would amount to gerrymandering and would load a lot of commercial development into one district. He felt scenario 8, 9 or 10 would be preferable.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, agreed that scenario 6 would amount to gerrymandering. She also agreed with Ms. Jarrett that the concerns of the residents of District 1 were different from those of the residents of Pine Island Ridge.

Mayor Truex closed the public hearing.

Mr. Burton confirmed for Mayor Truex that their statistics were based on total population, not voting population. Mr. Burton objected to the "gerrymandering" characterization, and explained that the definition of "gerrymander" referred to intentionally concentrating or diluting the political party affiliation, racial or ethnic balance of an area. He did not feel that any of the scenarios represented gerrymandering.

Mayor Truex preferred scenario 6 because it left Districts 3 and 4 almost untouched, and because each district touched more than one other district, preventing an “east versus west” mindset. He acknowledged that Districts 1 and 2 required the most drastic changes because of their population shifts. Mayor Truex admitted that Pine Island Ridge was “an entity all in its own” and was different from all other Davie communities.

Mayor Truex disagreed with Councilmember Caletka’s assertion at the previous meeting that the process was “too political” and said he had found no evidence of this when he attended the meeting, nor had he received any other complaints of this nature. Mayor Truex felt that Councilmember Caletka did not want Pine Island Ridge in his district because he feared someone in Pine Island Ridge would run against him. Mayor Truex reminded Pine Island Ridge residents that they would be part of Davie forever, and “it’s not the end of the world if it’s a couple of years before you can run for office.”

Councilmember Caletka said that residents who attended the redistricting meetings had told him they felt the process was political, and Councilmember Starkey had remarked on this as well. Councilmember Caletka pointed out that the majority of residents who had addressed Council had opposed scenario 6, and he liked it least as well. He thought that scenario 1 had a disproportionate amount of mobile home and multiple-family housing concentrated in District 1. Councilmember Caletka referred to scenario 2, which he preferred and distributed copies. He asked Council to consider it.

Vice-Mayor Crowley said he had been opposed to scenario 6, but said he was concerned with alternative scenarios’ affect on his district. He was concerned not by what new areas his district would include, but the areas his district would lose. Vice-Mayor Crowley realized that in scenario 6 he would lose the least from his existing district and now favored it.

Councilmember Paul had not been concerned with loss of her existing district area, but had tried to consider what was best for the community. She did not like scenario 6 because she remembered telling Pine island Ridge during annexation discussions that they would probably be in District 2 or 3.

Councilmember Starkey thanked the consultants and remarked on how helpful the information posted to the website was. She had tried to consider the community’s future, and incorporating diversity into each district when considering scenarios. Councilmember Starkey said she had solicited opinions from the residents and said they had expressed a desire to “keep as much of their representation as possible.” She preferred scenario 6 or 9, in that order and noted that these would both add more mobile home residents to her district.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve scenario 9. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul – yes; Councilmember Starkey - no. (Motion failed 2-3)

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve scenario 6. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul – no; Councilmember Starkey - yes. (Motion carried 3-2)

Quasi Judicial Items

20.5. **VARIANCE** - V 9-1-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue (to reduce the distance between freestanding houses of worship from 2,500 fee to 1,609.64 feet from the Hanmi Baptist Church and 2,310.54 feet from the Calvery Chapel Sawgrass) (A-1) (reconsidered at the November 1, 2006 meeting and then tabled to November 15, 2006) *Planning and Zoning recommended approval*

This item was tabled earlier in the meeting.

20.6. **STAFF REQUESTING A TABLING TO DECEMBER 6, 2006**

VARIANCE - V 7-2-06, Davis/Davis and Davis, Trustees, 6070 Griffin Road (Griffin Corridor District, Eastern Gateway Zone #3) (to reduce the minimum lot area for “other” use groups from 65,000 square feet to 27,220 square feet) *Planning and Zoning recommended approval*

This item was tabled earlier in the meeting.

20.7. STAFF REQUESTING A TABLING TO DECEMBER 6, 2006

VARIANCE - V 7-3-06, Calvin, Giordano & Associates, Inc./Murck, 4910 SW 61 Avenue (A-1) (to reduce the front property setback from 40 feet to 25 feet on the northeast elevation; 30 feet on the northwest elevation; 30 feet on the south elevation - 2 instances; and 29.9 feet on the east elevation) *Planning and Zoning recommended approval subject to a 25-foot setback in the rear (to the north); a 30-foot setback to the east; and a 30-foot setback to the south, all being to the edge of the ingress, egress easements*

This item was tabled earlier in the meeting.

21. APPOINTMENTS

Councilmember Caletka advised that he was appointing Eric Swalley to the Youth Education and Advisory Safety Committee.

21.1. Mayor Truex

Mayor Truex advised if anyone was interested in serving on a board, they could contact him or Town Clerk Muniz.

7.1.9. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.10. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.11. Water and Environmental Advisory Board (one exclusive appointment; term expire April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.1.12. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

21.2. Councilmember Paul

7.2.1. Budget Advisory Committee Board (one exclusive appointment; term expires April 2008) (members shall have experience in a financial related occupation, or similar skills)

Councilmember Paul appointed Harry Venis.

21.3. Councilmember Starkey

21.3.1. Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointments were made.

- 21.4. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

22. OLD BUSINESS

22.1. Fire Station #68 Workshop

Councilmember Starkey asked Town Clerk Muniz for the prospective dates for the workshop. Mr. Muniz suggested Council meet on November 30th and combine it with a special meeting on the district boundaries. Council members agreed to hold the workshop on November 30th.

23. NEW BUSINESS

23.1. Shenandoah Fire Station - Councilmember Paul

Councilmember Paul said she had received a timeline today, with a completion date of March 2008. She was disappointed that the project was moving so slowly and wanted an update.

Fire Chief Don DiPetrillo stated that he was recommending that this and the Flamingo Road fire station project be combined. He explained that if they did a combined design and build, substantial time could be saved. Chief DiPetrillo told Councilmember Paul that he thought they could save three to four months.

23.2. Establishing Auditor Selection Committee

R-2006-298 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A TOWN AUDITOR SELECTION COMMITTEE, APPOINTING MEMBERS TO THE TOWN AUDITOR SELECTION COMMITTEE PROVIDING FOR THE SUNSETTING OF THE AUDITOR SELECTION COMMITTEE, DEFINING THE ROLE OF THE AUDITOR SELECTION COMMITTEE, AND PROVIDING AN EFFECTIVE DATE.

Earlier in the meeting, Mr. Underwood explained that the resolution would allow Council to appoint an Auditor Selection Committee.

Vice-Mayor Crowley said the existing contract allowed for a two-year extension, and he felt the Town should do this, as he believed the current auditor was doing a good job. Mr. Underwood said there may be an issue with the new firm taking over. Mr. Cohen informed Council that they must address the issue of a selection committee, regardless of a contract extension. Councilmember Paul recommended the resolution be brought back specifying that Council would serve as the selection committee.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve with the specification that Council serve as the Auditor Selection Committee. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

24. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER PAUL

LAND MANAGEMENT CONFERENCE. Councilmember Paul advised that she had attended a land management conference in Jacksonville and distributed information she had picked up. She learned that the Town needed conservation easements over public lands to protect parks acquired with bond funds. Councilmember Paul explained that after the bonds were retired, "the legal protections that keep the land in conservation status are but a vote away from being converted to other uses." She felt Council should begin the process to make every Town park a conservation easement.

LETTER FROM KATHY COX. Councilmember Paul said she had received a letter from Kathy Cox thanking Council for the safety improvements on Orange Drive and SW 100 Avenue.

MAYOR TRUEX

PARK RECYCLING. Mayor Truex said that someone had asked him about the possibility of recycling in parks. He had been informed by Waste Management that it was possible to install recycling receptacles in the parks.

REAL ESTATE SIGNS. Mayor Truex asked what the policy was regarding real estate open house signs. He had received complaints that Code Compliance was picking the signs up immediately after they were put out. Development Services Director Mark Kutney said he would advise his staff to overlook the signs for the day.

JULY MEETING. Councilmember Caletka advised that Council would need to reschedule one of their July meetings to accommodate the July 4th holiday.

25. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

26. TOWN ATTORNEY'S COMMENTS

No comments were provided.

27. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:43 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

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